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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

4..title

5AN ORDINANCE relating to termination of residential rental tenancies; prohibiting evictions
6 in winter months; and amending Section 22.206.160 of the Seattle Municipal Code.

7..body

8WHEREAS, on November 2, 2015, the Mayor issued a Civil Emergency to address the

9 homeless crisis in the City of Seattle; and

10WHEREAS, on November 3, 2015, the City Council adopted Resolution 31630, ratifying and

11 confirming the Mayoral Proclamation of Civil Emergency; and

12WHEREAS, in September 2018, the Seattle Women’s Commission and the King County Bar

13 Association jointly published *Losing Home: The Human Cost of Eviction in Seattle*,

14 finding that households who are evicted face material hardships that make it more

15 difficult to secure safe and affordable housing and that the most disadvantaged groups

16 face the highest likelihood of eviction; and

17WHEREAS, the *Losing Home* report found that most evicted respondents became homeless,

18 with 37.5 percent completely unsheltered, 25.0 percent living in a shelter or transitional

19 housing, and 25.0 percent staying with family or friends. Only 12.5 percent of evicted

20 respondents found another apartment or home to move into; and

21WHEREAS, in 2018, the King County Medical Examiner’s Office (KCMEO) investigated the

22 deaths of 194 individuals presumed to be homeless. This represents 25 more deaths

23 than investigated in 2017; and

24WHEREAS, people experiencing homelessness have a much higher risk than the general

25 population of developing exposure-related conditions. The KCMEO 2018 investigation

26 found that over half (n=107) of presumed homeless deaths investigated occurred

27 outside and that approximately 62 percent (n=121) of presumed homeless deaths

28 investigate were attributed to non-natural causes (drug overdose, accidents (that
29 includes hypothermia), suicide, homicide, and undetermined); and
30 WHEREAS, prohibiting evictions during winter months will protect the public health, safety,
31 and welfare by reducing the number of individuals and families entering into
32 homelessness during the wintertime, which means lowering the number of people at
33 higher risk of developing exposure-related conditions; NOW, THEREFORE,

34 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

35 Section 1. Subsection 22.206.160.C of the Seattle Municipal Code, which section was
36 last amended by Ordinance 125954, is amended as follows:

37 **22.206.160 Duties of owners**

38 * * *

39 C. Just cause eviction

40 1. Pursuant to provisions of the Washington State Residential Landlord-Tenant
41 Act (RCW 59.18.290), an owner((s)) may not evict a residential tenant((s)) without a court
42 order, which can be issued by a court only after the tenant has an opportunity in a show cause
43 hearing to contest the eviction (RCW 59.18.380). An o((Θ))wner((s)) of a housing unit((s))
44 shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the
45 tenancy of any tenant, unless the owner can prove in court that just cause exists. Regardless of
46 whether just cause for eviction may exist, an o((Θ))wner((s)) may not evict a residential
47 tenant((s)) from a rental housing unit((s)) if: the unit((s-are)) is not registered with the Seattle
48 Department of Construction and Inspections if required by Section 22.214.040; or the eviction
49 occurs from November 1 through March 31 ((-regardless of whether just cause for eviction
50 may exist)).

51 An owner is in compliance with ((this)) the registration requirement if the rental
52 housing unit is registered with the Seattle Department of Construction and Inspections before

53issuing a notice to terminate tenancy. The reasons for termination of tenancy listed below, and
54no others, shall constitute just cause under this Section 22.206.160:

55a. The tenant fails to comply with a 14 day notice to pay rent or vacate

56pursuant to RCW 59.12.030(3); a ten day notice to comply or vacate pursuant to RCW

5759.12.030(4); or a three day notice to vacate for waste, nuisance (including a drug-related

58activity nuisance pursuant to chapter 7.43 RCW), or maintenance of an unlawful business or

59conduct pursuant to RCW 59.12.030(5);

60b. The tenant habitually fails to pay rent when due which causes the

61owner to notify the tenant in writing of late rent four or more times in a 12 month period;

62c. The tenant fails to comply with a ten day notice to comply or vacate

63that requires compliance with a material term of the rental agreement or that requires

64compliance with a material obligation under chapter 59.18 RCW;

65d. The tenant habitually fails to comply with the material terms of the

66rental agreement which causes the owner to serve a ten day notice to comply or vacate three or

67more times in a 12 month period;

68e. The owner seeks possession so that the owner or a member of (~~his or~~

69~~her~~) the owner's immediate family may occupy the unit as that person's principal residence

70and no substantially equivalent unit is vacant and available in the same building, and the owner

71has given the tenant at least 90 days' advance written notice of the date the tenant's possession

72is to end. The Director may reduce the time required to give notice to no less than 20 days if

73the Director determines that delaying occupancy will result in a personal hardship to the owner

74or to the owner's immediate family. Personal hardship may include but is not limited to

75hardship caused by illness or accident, unemployment, or job relocation. For the purposes of

76this Section 22.206.160, "Immediate family" includes the owner's domestic partner registered

77pursuant to Section 1 of Ordinance 117244 or the owner's spouse, parents, grandparents,

78children, brothers and sisters of the owner, of the owner's spouse, or of the owner's domestic

79partner. There is a rebuttable presumption of a violation of this subsection 22.206.160.C.1.e if
80the owner or a member of the owner's immediate family fails to occupy the unit as that person's
81principal residence for at least 60 consecutive days during the 90 days immediately after the
82tenant vacated the unit pursuant to a notice of termination or eviction using this subparagraph
83as the cause for eviction;

84 f. The owner elects to sell a single-family dwelling unit and gives the
85tenant at least 90 days' written notice prior to the date set for vacating, which date shall
86coincide with the end of the term of a rental agreement, or if the agreement is month to month,
87with the last day of a monthly period. The Director may reduce the time required to give notice
88to no less than 60 days if the Director determines that providing 90 days' notice will result in a
89personal hardship to the owner. Personal hardship may include but is not limited to hardship
90caused by illness or accident, unemployment, or job relocation. For the purposes of this Section
9122.206.160, an owner "elects to sell" when the owner makes reasonable attempts to sell the
92dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale
93at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a
94newspaper of general circulation. There shall be a rebuttable presumption that the owner did
95not intend to sell the unit if:

96 1) Within 30 days after the tenant has vacated, the owner does
97not list the single-family dwelling unit for sale at a reasonable price with a realty agency or
98advertise it for sale at a reasonable price in a newspaper of general circulation, or
99 2) Within 90 days after the date the tenant vacated or the date the
100property was listed for sale, whichever is later, the owner withdraws the rental unit from the
101market, rents the unit to someone other than the former tenant, or otherwise indicates that the
102owner does not intend to sell the unit;

103 g. The tenant's occupancy is conditioned upon employment on the
104 property and the employment relationship is terminated;
105 h. The owner seeks to do substantial rehabilitation in the building;
106 provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210
107 and at least one permit necessary for the rehabilitation, other than a Master Use Permit, before
108 terminating the tenancy;
109 i. The owner (i) elects to demolish the building, convert it to a
110 cooperative, or convert it to a nonresidential use; provided that, the owner must obtain a tenant
111 relocation license if required by Chapter 22.210 and a permit necessary to demolish or change
112 the use before terminating any tenancy, or (ii) converts the building to a condominium
113 provided the owner complies with the provisions of Sections 22.903.030 and 22.903.035;
114 j. The owner seeks to discontinue use of a housing unit unauthorized by
115 Title 23 after receipt of a notice of violation. The owner is required to pay relocation assistance
116 to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the
117 tenancy, at the rate of:
118 1) \$2,000 for a tenant household with an income during the past
119 12 months at or below 50 percent of the County median income, or
120 2) Two months' rent for a tenant household with an income
121 during the past 12 months above 50 percent of the County median income;
122 k. The owner seeks to reduce the number of individuals residing in a
123 dwelling unit to comply with the maximum limit of individuals allowed to occupy one
124 dwelling unit, as required by Title 23, and:
125 1)
126 a) The number of such individuals was more than is
127 lawful under the current version of Title 23 but was lawful under Title 23 or Title 24 on August
128 10, 1994;
129 b) That number has not increased with the knowledge or
130 consent of the owner at any time after August 10, 1994; and

131 c) The owner is either unwilling or unable to obtain a
132 permit to allow the unit with that number of residents.
133 2) The owner has served the tenants with a 30 day notice,
134 informing the tenants that the number of tenants exceeds the legal limit and must be reduced to
135 the legal limit,
136 3) After expiration of the 30 day notice, the owner has served the
137 tenants with and the tenants have failed to comply with a ten day notice to comply with the
138 limit on the number of occupants or vacate, and
139 4) If there is more than one rental agreement for the unit, the
140 owner may choose which agreements to terminate; provided that, the owner may either
141 terminate no more than the minimum number of rental agreements necessary to comply with
142 the legal limit on the number of occupants, or, at the owner's option, terminate only those
143 agreements involving the minimum number of occupants necessary to comply with the legal
144 limit;
145 1.
146 1) The owner seeks to reduce the number of individuals who
147 reside in one dwelling unit to comply with the legal limit after receipt of a notice of violation
148 of the Title 23 restriction on the number of individuals allowed to reside in a dwelling unit,
149 and:
150 a) The owner has served the tenants with a 30 day notice,
151 informing the tenants that the number of tenants exceeds the legal limit and must be reduced to
152 the legal limit; provided that, no 30 day notice is required if the number of tenants was
153 increased above the legal limit without the knowledge or consent of the owner;
154 b) After expiration of the 30 day notice required by
155 subsection 22.206.160.1.1.a above, or at any time after receipt of the notice of violation if no
156 30 day notice is required pursuant to subsection 22.206.160.1.1.a, the owner has served the

157 tenants with and the tenants have failed to comply with a ten day notice to comply with the
158 maximum legal limit on the number of occupants or vacate; and
159 c) If there is more than one rental agreement for the unit,
160 the owner may choose which agreements to terminate; provided that, the owner may either
161 terminate no more than the minimum number of rental agreements necessary to comply with
162 the legal limit on the number of occupants, or, at the option of the owner, terminate only those
163 agreements involving the minimum number of occupants necessary to comply with the legal
164 limit.
165 2) For any violation of the maximum legal limit on the number
166 of individuals allowed to reside in a unit that occurred with the knowledge or consent of the
167 owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at
168 least two weeks prior to the date set for termination of the tenancy, at the rate of:
169 a) \$2,000 for a tenant household with an income during
170 the past 12 months at or below 50 percent of the county median income, or
171 b) Two months' rent for a tenant household with an
172 income during the past 12 months above 50 percent of the county median income;
173 m. The owner seeks to discontinue use of an accessory dwelling unit for
174 which a permit has been obtained pursuant to Sections 23.44.041 and 23.45.545 after receipt of
175 a notice of violation of the development standards provided in those sections. The owner is
176 required to pay relocation assistance to the tenant household residing in such a unit at least two
177 weeks prior to the date set for termination of the tenancy, at the rate of:
178 1) \$2,000 for a tenant household with an income during the past
179 12 months at or below 50 percent of the county median income, or
180 2) Two months' rent for a tenant household with an income
181 during the past 12 months above 50 percent of the county median income;

182 n. An emergency order requiring that the housing unit be vacated and
183 closed has been issued pursuant to Section 22.206.260 and the emergency conditions identified
184 in the order have not been corrected;

185 o. The owner seeks to discontinue sharing with a tenant of the owner's
186 own housing unit, i.e., the unit in which the owner resides, seeks to terminate the tenancy of a
187 tenant of an accessory dwelling unit authorized pursuant to Sections 23.44.041 and 23.45.545
188 that is accessory to the housing unit in which the owner resides, or seeks to terminate the
189 tenancy of a tenant in a single-family dwelling unit and the owner resides in an accessory
190 dwelling unit on the same lot. This subsection 22.206.160.C.1.o does not apply if the owner
191 has received a notice of violation of the development standards of Section 23.44.041. If the
192 owner has received such a notice of violation, subsection 22.206.160.C.1.m applies;

193 p. A tenant, or with the consent of the tenant, the tenant's subtenant,
194 sublessee, resident, or guest, has engaged in criminal activity on the premises, or on the
195 property or public right-of-way abutting the premises, and the owner has specified in the notice
196 of termination the crime alleged to have been committed and the general facts supporting the
197 allegation, and has assured that the Seattle Department of Construction and Inspections has
198 recorded receipt of a copy of the notice of termination. For purposes of this subsection
199 22.206.160.C.1.p, a person has "engaged in criminal activity" if (~~he or she~~) the person:

200 1) Engages in drug-related activity that would constitute a
201 violation of chapters 69.41, 69.50, or 69.52 RCW, or
202 2) Engages in activity that is a crime under the laws of this state,
203 but only if the activity substantially affects the health or safety of other tenants or the owner.

204 2. Any rental agreement provision which waives or purports to waive any right,
205 benefit or entitlement created by this subsection 22.206.160.C shall be deemed void and of no
206 lawful force or effect.

207 3. With any termination notices required by law, owners terminating any
208tenancy protected by this Section 22.206.160 shall advise the affected tenant or tenants in
209writing of the reasons for the termination and the facts in support of those reasons.
210 4. If a tenant who has received a notice of termination of tenancy claiming
211subsection 22.206.160.C.1.e, 22.206.160.C.1.f, or 22.206.160.C.1.m as the ground for
212termination believes that the owner does not intend to carry out the stated reason for eviction
213and makes a complaint to the Director, then the owner must, within ten days of being notified
214by the Director of the complaint, complete and file with the Director a certification stating the
215owner's intent to carry out the stated reason for the eviction. The failure of the owner to
216complete and file such a certification after a complaint by the tenant shall be a defense for the
217tenant in an eviction action based on this ground.
218 5. In any action commenced to evict or to otherwise terminate the tenancy of
219any tenant, it shall be a defense to the action that there was no just cause for such eviction or
220termination as provided in this Section 22.206.160.
221 6. It shall be a violation of this Section 22.206.160 for any owner to evict or
222attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any
223tenant using a notice which references subsections 22.206.160.C.1.e, 22.206.160.C.1.f,
22422.206.160.C.1.h, 22.206.160.C.1.k, 22.206.160.C.1.l, or 22.206.160.C.1.m as grounds for
225eviction or termination of tenancy without fulfilling or carrying out the stated reason for or
226condition justifying the termination of such tenancy.
227 7. An owner who evicts or attempts to evict a tenant or who terminates or
228attempts to terminate the tenancy of a tenant using a notice which references subsections
22922.206.160.C.1.e, 22.206.160.C.1.f or 22.206.160.C.1.h as the ground for eviction or
230termination of tenancy without fulfilling or carrying out the stated reason for or condition

231justifying the termination of such tenancy shall be liable to such tenant in a private right for
232action for damages up to \$2,000, costs of suit, or arbitration and reasonable attorney's fees.

233 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
234the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
235shall take effect as provided by Seattle Municipal Code Section 1.04.020.

236 Passed by the City Council the _____ day of _____, 2019,
237and signed by me in open session in authentication of its passage this _____ day of
238_____, 2019.

239 _____
240 President _____ of the City Council

241 Approved by me this _____ day of _____, 2019.

242 _____
243 Jenny A. Durkan, Mayor

244 Filed by me this _____ day of _____, 2019.

245 _____
246 Monica Martinez Simmons, City Clerk

247(Seal)